IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 12834 of 2006(C)

PETITIONER:

P.GEORGE VARGHESE, AGED 47 YEARS,
S/O. VARGHESE, PAROLICKAL HOUSE,
KADAYANIKKADU P.O., KOTTAYAM DISTRICT.

BY ADV. SRI.JOSEPH GEORGE.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   SECRETARY, PUBLIC WORKS (D) DEPARTMENT,
   GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE CHIEF ENGINEER,**
   P.W.D. (ROADS & BRIDGES),
   GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

3. **THE EXECUTIVE ENGINEER,**
   P.W.D. ROADS DIVISION,
   PATHANAMTHITTA.

4. **THE ASST. EXECUTIVE ENGINEER,**
   P.W.D. ROADS DIVISION,
   MALLAPPALLY, PATHANAMTHITTA DISTRICT.

5. **THE DEPUTY TAHSILDAR (RR),**
   CHANGANACHERRY, KOTTAYAM DISTRICT.

BY GOVT. PLEADER SRI. BASANT BALAJI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.12834/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PROCEEDINGS NO. E1-297/98 DTD. 18/04/2001 PASSED BY THE R.4.

EXT.P.2: COPY OF THE GENERAL CONDITION FOR COLLECTION OF TOLL FROM KULATHOORMOOZHI BRIDGE WITH TENDER SCHEDULE.

EXT.P.3: COPY OF THE SPECIAL TERM DEPOSIT RECEIPT FOR RS. 18,000/- OF S.B.I, PATHANAMTHITTA BRANCH DTD. 16/0/2001.

EXT.P.4: COPY OF THE PROCEEDINGS NO. A1-1013/87 DTD. 05/01/2002 OF THE R.4.

EXT.P.5: COPY OF THE REVENUE RECOVERY NOTICE DTD. 25/01/2006 ISSUED BY THE R.5.

EXT.P.6: COPY OF THE REPRESENTATION DTD. 09/05/2006 SUBMITTED BEFORE THE R.5.

EXT.P.7: COPY OF THE REPRESENTATION DTD. 09/05/2006 SUBMITTED BEFORE THE R.3.

//TRUE COPY//

prv.

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.12834 of 2006

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Dated this the 21st day of June, 2007.

JUDGMENT

The petitioner is challenging recovery proceedings for recovery of toll charges payable by him under licence granted to him for collecting toll for a bridge. It is admitted that the petitioner has made some payments. Besides this, this court granted conditional stay orders directing payment of Rs.40,000/- on 24.5.2006 and Rs.20,000/- on 8.1.2007. According to the petitioner, he has paid these amounts also. In the circumstances, third respondent is directed to verify total payment made by the petitioner with reference to liability due under the licence agreement and calculate balance with interest if any for default in payment in accordance with the terms of agreement, adjust the security deposit against such amount and raise demand for the balance. The petitioner will be given an opportunity to produce details of payment before working out liability. A proposal should be communicated first to the petitioner and it should be finalised after hearing him within a period of six weeks from now. The 5th respondent is directed to withhold recovery proceedings for another two months and thereafter recovery will be based on revised proceedings to be issued by

third respondent.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms